Senate Budget and Fiscal Review—Wesley Chesbro, Chair SUBCOMMITTEE NO. 1 on Education



Subcommittee No. 1 Chair, Jack Scott Member, Bob Margett Member, Joe Simitian

Agenda April 25, 2005 1:30 pm or Upon Adjournment of Session – Room 113

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I. California State Library

The Governor's Budget proposes a total of \$71.6 million for the California State Library's operations and the various local assistance programs. Of that amount, \$45.4 million is from the General Fund, the remainder comes from other sources including state special funds, federal funds, and bond funds.

<u>Background</u>. The California State Library provides library and information services to the legislative and executive branches of state government, members of the public, and California public libraries. In addition, the State Library administers and promotes literacy outreach programs, develops technological systems to improve resource sharing and enhance access to information, and administers the Public Library Foundation, which, via a statutory formula, distributes state funding to support basic services at local libraries.

California State Library

General Fund Budget Proposals

(Dollars in Thousands)

	Revised 2004-05	Proposed 2005-06	Change Amount	Percent
State Operations				
Support/operating budget	\$10,223	\$10,593	370	3.6%
Lease-revenue bonds	2,447	2,447	0	0%
Repairs for Sutro Library	267	17	(250)	-93.6%
Subtotals	\$12,937	\$13,057		0.93%
Local Assistance				
California Civil Liberties Public Education Prog.	\$500	\$500	0	0%
California Newspaper Project	240	240	0	0%
California Library Services Act	15,170	14,342	(828)	-5.5%
California English Acquisition & Literacy Prog.	5,340	5,064	(276)	-5.2%
Public Library Foundation	14,360	12,152	(2,208)	-15.4%
Subtotals	35,610	32,298	(3,312)	-9.3%
Totals	\$48,547	\$45,355	(3,192)	-6.6%

A. Public Library Foundation

The Governor's Budget proposes to decrease (by over 15 percent) the amount of funding available for the Public Library Foundation (PLF), from \$14.4 million to \$12.2 million. This program provides core operational assistance to local libraries and is used to support library staffing, maintain hours of operation, develop and expand library-based programs such as afterschool reading programs and homework assistance centers, and purchase books and materials.

This 15 percent reduction comes after four years of severe budget reductions. In 2000-01, the state appropriated \$56.9 million to the Public Library Foundation, since then, local libraries have seen a rapid decline in support for the program which equates to about a 78.6 percent reduction over five years.

<u>Staff recommends</u> that the committee consider placing an augmentation for the Public Library Foundation on the "checklist" pending the May Revision.

II. Child Care

The Governor's Budget provides \$2.6 billion (\$1.3 billion General Fund) to support approximately 488,700 children in the state's subsidized child care system. The proposed amount represents an increase of \$33 million from current-level expenditures. Of the amount proposed, 46 percent of the funding will be spent on current and former CalWORKS recipients. Also included in the Governor's Budget is \$29.7 million to a fund 2.41 percent increase in caseload and \$50.8 million to provide a 3.93 percent Cost-of-Living-Adjustment (COLA). Staff notes that the amount of the statutory COLA is expected to grow to over 4.0 percent – an adjustment that will likely be reflected in the Governor's May Revision.

Issue

In its quest to reform child care and achieve fiscal savings, the Administration proposes a variety of programmatic reforms, via the state Budget, aimed at limiting child care services and hence reducing state costs associated with the programs. The monetary savings generated by the Governor's proposals will be used to help close the state's severe budget gap. These proposals were guided not only by the need to cut costs but by the Administration's desire to facilitate equitable access and establish a system that both acknowledges and promotes high quality child care.

In most cases, the Administration is proposing both Budget Bill and Trailer Bill Language to implement the programmatic changes.

Background

Under current law, the state makes subsidized child care services available to: (1) families on public assistance and participating in work or job readiness; (2) families transitioning off public assistance programs; and (3) other families with exceptional financial need.

Child care services provided within the California Work Opportunity and Responsibility to Kids (CalWORKs) program are administered by both the California Department of Social Services and the California Department of Education, depending upon the "stage" of public assistance or transition the family is in. Stage 1 child care services are administered by the Department of Social Services for families currently receiving public assistance, while Stages 2 and 3 are administered by the Department of Education.

Families receiving Stage 2 child care services are either receiving a cash public assistance payment (and are deemed "stabilized") or are in a two-year transitional period after leaving cash assistance; child care for this population is an entitlement under current law. Under current law, the State allows counties flexibility in determining whether a CalWORKS family has been "stabilized" for purposes of assigning the family to either Stage 1 or Stage 2 child care. Depending on the county, some families may be transitioned to Stage 2 within the first six months of their time on aid, while in other counties a family may stay in Stage 1 until they leave aid entirely.

Families receiving Stage 3 child care services have either exhausted their two-year Stage 2 entitlement or are deemed to have exceptional financial need (the "working poor"). Child care services for Stage 3 are divided into two categories: (1) General Child Care – which is available on a limited basis for families with exceptional financial need; and (2) the Stage 3 Set-Aside – which makes child care slots available specifically for former CalWORKs recipients. The availability of Stage 3 care is discretionary and contingent upon the amount of funding appropriated for the program in the annual Budget Act. Under current practice, services to these two populations are

supplied by the same group of child care providers; however, waiting lists are kept separate, with priority being granted to the former CalWORKs recipients.

Child Care is provided through either licensed child care centers or the Alternative Payment Program.

- Child Care Centers receive funding from the state which pays for a fixed number of child care "slots". Centers provide an educational program component that is developmentally, culturally, and linguistically appropriate for the children served. Centers also provide nutrition education, parent education, staff development, and referrals for health and social services programs. In many areas in the State, there are no available "slots" in licensed Child Care Centers or Family Day Care Centers and families are forced to use licensed-exempt care.
- Alternative Payment Program provides child care through means-tested vouchers, which provide funding for a specific child to obtain care in either licensed child care centers, licensed family day care, or licensed-exempt care. With a voucher, the family has the choice of which type of care to utilize.

History of Administration Reform Proposals

Beginning in 2000, the Administration has annually presented various proposals to reform the state's subsidized child care system. Since then, the Administration has commissioned studies and proposed the reduction and/or elimination of child care services for various populations of children and/or families. As part of the 2003-04 Governor's Budget, the Administration proposed "realigning" child care services, thereby shifting responsibility for the programs from the State to local governments. That proposal was later rescinded by the Administration. For 2004-05, the Administration proposed (1) implementing a tiered eligibility system based on the cost of child care by county and the relationship of family income to those costs; (2) limiting Stage 3 child care services for former CalWORKS recipients to one year; (3) limiting -- to 2 years -- child care eligibility for parents in vocational and/or educational programs; (4) creating a six-level tiered reimbursement system for providers; and (5) lowering the income threshold at which families begin paying fees.

In the last several years, the Legislature has approved various pieces of Administration proposals designed to essentially "ration" the limited amount of state subsidized child care services by (1) eliminating subsidized child care services for 13-year old children; (2) eliminating subsidized child care services for families whose income exceeded 75 percent of the State Median Income (maximum income level under law) and who were originally "grandfathered" into law; (3) reducing the maximum rate paid to Alternative Payment providers for administration and support services -- from 20 to 19 percent; and (4) reducing the reimbursement rate for providers from 93 percent of the Regional Market Rate to 85 percent; and most recently (5) limiting the availability of child care services to 11- and 12-year olds by stating that the preferred placement for children in this age group is Before and After School Programs.

<u>Please Note</u>: Following is a summary of the proposed programmatic changes that would have a direct budgetary impact in 2005-06. Many of the Administration's proposals, including those that would impact licensed provider rates and impose time limitations on Stage 3 services, are being addressed through the policy committee process.

Staff recommends that all of the following proposals be held open pending the May Revision.

<u>Issue</u>	Current Law	Governor's Proposal	<u>Savings</u>	<u>Comments</u>
A. Income Eligibility (Use of the Federal Poverty Level index)	Establishes income eligibility for subsidized child care participants by setting an income threshold equivalent to 75 percent of the State Median Income (SMI) for a family of four. While statute calls for income eligibility to be set at 75% of SMI, for the last several years, the state has "frozen" eligibility at the 2000 levels (\$39,000 per year for a family of four).	"Base" income eligibility would be established using the income thresholds currently in effect for the program: \$39,000 annually for a family of four. The \$39,000 figure would be "shifted" to the equivalent Federal Poverty Level (FPL), which the Administration proposes at 202 percent of the 2005 FPL (which equates to \$39,084 annually). Those families currently receiving services whose income may fall above the FPL indicator will be "grandfathered" into the program and thus will continue receiving child care services. Thereafter, income levels would be adjusted annually based on the change in FPL, rather than SMI.	No monetary savings.	The state has failed to update its SMI calculation since 2000 and has frozen income eligibility at the 2000 levels. As a result, the current eligibility does not actually reflect 75% of the current SMI. CDE staff estimates that the current income threshold equates to 59 percent of the level it would be, had SMI been adjusted. Governor's proposal sets this "artificially low" income rate in statute, then adjusts annually. However, given that SMI hasn't been adjusted since 2000, FPL will be updated annually and income thresholds for program participation will increase over time. But, staff notes that FPL tends to inflate at a slower rate than SMI, which has sharp spikes depending on stock market returns and in some cases may actually decrease.

<u>Issue</u>	Current Law	Governor's Proposal	<u>Savings</u>	<u>Comments</u>
B. Age Eligibility (Care for 11- and 12-year olds)	Children up to age 13 are eligible for subsidized child care services. Current law specifies that the "preferred placement" for children ages 11 and 12 years is within a Before/After School Program. Current law requires that families certify in writing that Before/After School Programs better meet the needs of their child/family before a child is removed from subsidized child care services.	Shifts the burden by requiring parents to certify (in writing) why an After School Program DOES NOT meet the child care needs of the family. 11- and 12-year old children would still be able to stay in subsidized child care if they have "exceptional needs". Requires CDE to make reductions to child care contracts, reducing the contracts (on a contract-by-contract basis) to account for 11- and 12- year olds shifting to After School Programs.	\$23.8 million in savings. Department of Finance (DOF) savings estimates are based on the assumption that 50 percent of the families of 11- and 12-year olds work "traditional" hours. Of these families, DOF assumes that half will move their children to After School Programs.	In order to reap the approximately \$24 million in savings, this proposal requires that the provider reduce the number of children served and that CDE decrease the provider's contract rather than allowing the "freed up" child care slots to be filled by eligible, un-served families on waiting lists. Further, the proposal assumes children would enroll in afterschool programs and relies on the future implementation of Proposition 49 (which will likely be "triggered" sometime between 2005-06 and 2007-08) to accommodate the additional children. After School programs may offer more age-appropriate activities (home work assistance) than other care options.

<u>Issue</u>	Current Law	Governor's Proposal	Savings	<u>Comments</u>
C. Shift of Stage 3 Child Care Recipients to AP Program. Imposition of Time Restrictions on former CalWORKS recipients.	Former CalWORKS recipients are eligible for subsidized child care services as long as the family continues to meet income requirements and the child(ren) continue to meet age requirements and be in need of care.	Governor proposes to limit the amount of time future Stage 3 child care recipients receive guaranteed child care services without otherwise being on a waiting list. Specifically, the Governor proposes to limit the "guarantee" of child care services for former CalWORKS recipients to three years after leaving cash aid. Families currently in Stage 1 or 2 child care would receive two years in Stage 3. Families currently in Stage 3 would be shifted to the non-CalWORKS AP program, where they would continue to receive care without any specified time limits. Proposal further allows CalWORKS families to place their name on the newly established centralized eligibility/waiting lists as soon as they have earned income, with the hope that by the time their child care "guarantee" runs out, they will have obtained a slot in the general child care program.	No monetary savings.	Proposal to impose time limits on participation in Stage 3 is contained in legislation which is currently making its way through the policy committee process. In order to shift these families to General Child Care services as quickly as possible, the Administration proposes allowing families to place their name on consolidated eligibility/waiting lists as soon as they have earned income. Given that families may have had earned income from prior years, the LAO proposes "sprinkling" CalWORKS recipients throughout the eligibility lists to ensure that all former CalWORKS recipients are not pooled at the bottom of the list.

<u>Issue</u>	<u>Current Law</u>	Governor's Proposal	Cost	<u>Comments</u>
D. Centralized Eligibility/Waiting Lists	Given that there are more families eligible for state-subsidized child care services than there are slots available, child care providers maintain eligibility lists to determine which family will be "tapped" for the next open slot. Waiting lists are established and maintained on a provider-by-provider basis and many families have their names on more than one waiting list at a time, hoping for an opening.	Provides \$7.9 million, with accompanying statutory language, requiring one Alternative Payment Provider (APs) per county to establish, consolidate, and maintain county-wide eligibility (waiting) lists. The consolidated list would be split into two parts based on the income level at which family fees are assessed (\$26,016 annually for a family of four). Families whose income falls below that level would be served first (Tier 1); families whose income falls above that level would be served after the child care needs of the Tier 1 families have been met. Statute would further require all state-subsidized child care providers/contractors to participate and use the centralized eligibility lists.	\$7.9 million General Fund cost.	State policymakers and administrators lack information on the degree to which California children and families remain unserved. The centralization of eligibility lists will provide much-needed data on the unduplicated number of families waiting for services; the income levels of these families; and the length of the waiting time. Since the list is divided into two "tiers" based on income, it is possible that former CalWORKS recipients may be at the bottom of the list if their income exceeds that of non-CalWORKS families. As a result, serving them may be a lower priority. The LAO notes concerns with the "sequencing" of the Governor's proposals, and recommends that the state establish the centralized waiting lists first before implementing other components of the Governor's proposals (including the shifting of all Stage 3 families to the Alternative Payment Program, as previously discussed).

<u>Issue</u>	Current Law	Governor's Proposal	<u>Savings</u>	<u>Comments</u>
E. Tiered Reimbursement Rates	Licensed-Exempt providers are relatives or friends who are not licensed child care professions but are receiving reimbursement for providing a child (or children) with care. Licensed providers and licensed child care centers are reimbursed up to a maximum rate equivalent to the 85 th percentile of Regional Market Rate (RMR). Licensed-exempt providers are reimbursed at only a slightly lesser amount: 90 percent of the maximum rate provided to licensed providers. This means that licensed-exempt providers may make more than licensed providers.	Creates a tiered reimbursement rate structure for both licensed-exempt and licensed providers. Reimbursement rates would depend on the licensure and training level of the provider. Governor's intent is to pay providers progressively more if they are trained, licensed, and/or accredited. Licensed Exempt Providers: Governor's Budget attributes \$140 million in savings to a reduction in reimbursement rates for licensed-exempt providers. This rate reduction would become effective immediately after the enactment of the 2005-06 Budget Act, and rates for licensed-exempt providers would be reduced to 60 percent of the maximum amount paid to licensed care givers. If, within 180 days, licensed exempt providers receive basic health and safety training or other early childhood education, their rates would stay at the 60 percent level. If providers DO NOT avail themselves of the additional training, their reimbursement rates would fall to 55 percent of the maximum amount paid to licensed providers.	\$140.1 million in savings.	This proposal is the Administration's attempt to pay more for "quality" child care. Specifically, the proposal attempts to remedy a disparity whereby licensed-exempt providers can receive a rate equivalent or higher than that of licensed child care centers, even though licensed-exempt provide may have no education, experience, early-childhood education or health and safety training. Staff notes that it's difficult to develop a tiered reimbursement rate system during bad budget times, which requires rates to be tiered downward. To truly reward <i>quality</i> , it makes more sense to tier rates upward, payin more than the current rate to providers who receive additional training and education. Staff notes that the committee may wish to examine a licensed-exempt rate structure which tiers rates based on "quality" but is less severe than the Administration's proposal.

<u>Issue</u>	Current Law	Governor's Proposal	<u>Savings</u>	<u>Comments</u>
Reimbursement Rates (continued)	Current law provides reimbursement rates for Title V (California Code of Regulations) regulated Child Care Centers at a "flat" rate, regardless of the region within which the center is located.	Licensed Providers: Governor also proposes to change the reimbursement rate structure for licensed providers, but doesn't implement the changes until 2007-08, thus there are no direct monetary savings associated with this proposal in the Budget Year. Staff notes that this proposal is currently making its way through the policy committee process. Administration proposes several "pathways" for both licensed-exempt and licensed providers to receive the additional training that would be necessary to maintain a higher reimbursement rate.		Under the Administration's proposal, rate reductions for licensed exempt providers are dramatic and may result in the unintended consequence of limiting the number of child care providers statewide. Specifically, rates may be so low that providers choose to exit the profession, leaving many families without care, especially during "off hours" such as nights and weekends when licensed providers typically don't operate. Given that approximately 60 percent of the care provided to children in Stage 1 occurs through <i>licensed-exempt</i> providers, the available "supply" of licensed-exempt care is critical to keeping CalWORKS recipients in the workforce. The Administration originally proposed a 90-day window for providers to obtain the additional training necessary to maintain the higher rate. This proposal was recently revised to lengthen the window to 180 days. However, it remains unclear if health and safety trainers would be able to accommodate the dramatic influx of child care providers into their local training programs.

<u>Issue</u>	Current Law	Governor's Proposal	<u>Savings</u>	<u>Comments</u>
F. Alternative Rate Setting for Providers Serving Only Subsidized Children	Current law specifies that providers may not charge the state more than they charge private pay families per child. Without	Proposes to implement CDE's "pick 5" regulations, thereby disallowing providers with no private-pay clients to automatically be reimbursed at the maximum rate.	\$8.2 million in savings.	Being reimbursed at the maximum RMR, in the absence of any private-pay clients, creates a perverse incentive for providers to avoid enrolling private-pay clients. It is difficult in some communities
	any private paying families, a provider is automatically reimbursed at the maximum Regional Market Rate (RMR). Statute directed CDE to develop an			to find private paying clients, which may cause the "pick 5" regulations to scan a wider geographic region to find providers to base rates on. If this occurs, one could argue that the five providers do not meet the definition of "like" providers.
	alternative rate-setting method for providers serving only subsidized children. To that end, CDE initiated regulations			In prior years, the Legislature suspended the proposed regulations because, if implemented, many providers would see a dramatic reduction in their reimbursement rates.
	(known as "pick 5") which would base the rate on five randomly selected, like- providers with private pay clients (in the same or comparable			Staff notes that, any reform which lowers rates for providers may have the unintended consequence of forcing providers out of the market because rates aren't keeping pace with the actual costs of providing care.
	zip codes). Legislation enacted during each of the last two years suspended the implementation of these regulations.			LAO notes that the "pick 5" regulations are not perfect, but they do provide a reasonable estimate of local market rates and would serve to stop overpayment of certain providers.

<u>Issue</u>	Current Law	Governor's Proposal	Savings	<u>Comments</u>
G. Regional Market Rate (RMR) Survey	Requires CDE to contract, every two years, for a survey of the various market rates for child care services on a region-by-region basis. The results of this survey are used to determine the maximum rate levels at which the state reimburses providers for child care services.	None.	Unknown.	The Legislative Analyst requested that the committee ask CDE to provide an update on the status of the current survey and new methodology.

III. State-Supported Before and After School Program

Proposition 49, the *After School Education and Safety Program Act of 2002*, requires that sometime between 2005-06 and 2007-08, the state will automatically begin increasing General Fund support for After School programs. The LAO estimates that this "autopilot" increase will bring the level of funding from approximately \$122 million in the current year to \$550 million: An increase of over \$400 million. Funding for the program is proposed to remain constant in 2005-06 in light of the pending automatic increase.

Under Proposition 49, state funding for After School programs is now continuously appropriated and no longer requires approval as part of the Annual Budget Act. Further, the additional funding appropriated for After School programs will be "on top" of the minimum funding level provided under Proposition 98, thus over-appropriating the minimum Proposition 98 funding guarantee.

As part of its *Analysis of the 2005-06 Budget Bill*, the Legislative Analyst expressed concern over the implementation of Proposition 49 and encourages the Legislature to take action and place a measure repealing Proposition 49 on the statewide ballot.

<u>Staff notes</u> that this issue requires no action on behalf of the committee.

IV. Federal 21st Century Learning Center Program

The Governor's Budget appropriates approximately \$135.9 million for the federal 21st Century Community Learning Centers Program.

Background. The 21st Century program is a federally-funded after school program that provides disadvantaged K-12 students with academic enrichment opportunities and supportive services to help students meet core academic content standards. The federal grant amount appropriated to California for this program has increased steadily since 2002-03: from \$41.3 million to \$135.9 million in the Budget Year.

Since the federal government converted the program to its existing format, the state has consistently underutilized the federal funds, rolling over large sums (in excess of \$30 million) annually. While CDE had a slow start in dispersing the grant program dollars, program administrators, grant recipients, the LAO, and Department of Finance have identified a series of statutory changes to the program that would make it easier for after school programs to fully utilize the funds and ultimately serve more students.

CDE is proposing to change state statute governing the 21st Century program to: (1) increase the daily reimbursement rate to \$7.50 per day, a rate equal to the amount received (from all sources) in the state-funded Before and After School Program; (2) change the per school grant limit to allow schools with unmet need to serve more students; (3) allow grantees to receive a fixed portion of their administrative allowance up-front, regardless of the number of pupils the program enrolls; and (4) reauthorize the expenditure of one-time carry-over funds to support a new "cohort" of grantees.

Proposed changes are being integrated into Senate Bill 854 (Ashburn) which will be making its way through the policy committee process and <u>staff recommends</u> that approval of the Budget Act appropriation remain "open" pending the May Revision.

IV. PROPOSED CONSENT

Staff recommends that the following items be Approved as Budgeted.

6120-011-0001 State Operations, California State Library. \$10,593,000 6120-011-0001 Reduce Item, California State Library, per April 2005 Finance Letter. -\$5,000 6120-011-0020 State Law Library, California State Library. Payable from State Law Library Special Account. \$551,000 6120-011-0890 Support, California State Library. Payable from the Federal Trust Fund. \$6,545,000 6120-011-6000 Support, California State Library. Payable from California Public Library Construction and Renovation Fund. \$2,680,000 6120-011-6029 Support, California State Library, California Cultural and Historical Endowment. \$1,644,000 6120-011-6029 Increase Item, California State Library, per April 2005 Finance Letter. \$5,000 6120-012-0001 Support, California State Library, Debt Service. \$2,447,000 6120-013-0001 Support, California State Library, Sutro Library Special Repairs. \$17,000 6120-150-0001 Local Assistance, California State Library, California Civil Liberties Public Education Program. \$500,000 6120-151-0483 Local Assistance, California State Library, Telephonic Services. Payable from the California Deaf and Disabled Telecommunications Program, Administrative Committee Fund. \$441,000 6120-160-0001 Local Assistance, California State Library, California Newspaper Project. \$240,000 6120-211-0001 Local Assistance, California State Library, Library Development Services. \$14,342,000 6120-211-0890 Local Assistance, California State Library, Library Development Services. Payable from the Federal Trust Fund. \$12.518.000 6120-213-0001 Local Assistance, California State Library, California English Acquisition and Literacy Program. \$5,064,000 6120-495 Add Item, California State Library, per April 2005 Finance Letter. Reversion – California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund. 6420-001-0001 Support, California Postsecondary Education Commission. \$2,059,000 6420-001-0890 Support, California Postsecondary Education Commission, payable from the Federal Trust Fund. \$438,000 6420-101-0890 Local Assistance, California Postsecondary Education Commission, payable from the

Federal Trust Fund. \$8,579,000